



BOX RESPONSES - NO FEE
Docket No. 22265.0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
)
NISSIN SHOKUJIN KABUSHIKI KAISHA)
DBA NISSIN FOOD PRODUCTS CO., LTD.) Attn: Zhaleh Delaney, Esq.
) Trademark Law Office 116
Serial No. 76/344353)
)
Filed: December 4, 2001)
)
Mark: CUP NOODLES (Stylized))

AMENDMENT AND REQUEST FOR RECONSIDERATION
AND WITHDRAWAL OF FINAL REFUSAL OF REGISTRATION

The Honorable Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Madam:

Please amend the above-captioned application as follows:

IN THE PREAMBLE:

Substitute the following as Applicant's name:

Nissin Shokuhin Kabushiki Kaisha, dba Nissin Food Products Co., Ltd.

REMARKS

This will respond to the official communication dated October 30, 2003. The Examining Attorney refused registration of the mark CUP NOODLES (Stylized) on the ground that the mark is confusingly similar to the mark CUP O'NOODLES shown in Registration No. 1,196,356. As explained below, Applicant is the owner of the cited registration and requests that the refusal be withdrawn.



04-26-2004
U.S. Patent & TMO/TM Mail Rpt Dt. #72

As noted in Applicant's response dated September 3, 2002, the name "Nissin Shokuhin Kabushiki Kaisha" is the Japanese name for Nissin Food Products Co., Ltd. This does not represent a separate entity and both names are correct. However, because the name listed in Applicant's Articles of Incorporation is Nissin Shokuhin Kabushiki Kaisha and Applicant does business as Nissin Food Products Co., Ltd. in the United States, the Applicant's name has been amended to specify that this is the case. This amendment to clarify Applicant's name is permitted by the Office. TMEP § 1201.02(c).

Applicant notes that the record owner of Registration No. 1,196,356, Nissin Foods (USA) Co., Inc. has assigned Registration No. 1,196,356 to Applicant. Evidence of this assignment as well as the filing of the assignment for recordation with the Assignment Branch is attached hereto as Appendix A.

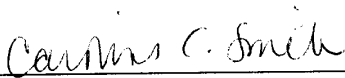
In sum, the above shows that Applicant owns both the instant application and Registration No. 1,196,356. Therefore, it is requested that the Examining Attorney withdraw the final refusal of registration under § 2(d).

With the entry of the above amendment, Applicant has addressed all issues raised by the Examining Attorney. Applicant requests that the application be approved for publication.

NISSIN SHOKUHHIN KABUSHIKI KAISHA
DBA NISSIN FOOD PRODUCTS CO., LTD.

Dated: April 26, 2004

By: _____


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A



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March 25, 2004

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**RECORDATION FORM COVER SHEET
TRADEMARKS ONLY**

Sir:

Enclosed for recordation in the records of the U.S. Patent and Trademark Office is an original document with particulars as follows.

- (1) Name of conveying party:
Nissin Foods (USA) Co., Inc.
- (2) Name and address of receiving party:
Nissin Shokuhin Kabushiki Kaisha, dba Nissin Food Products Co., Ltd., 1-1 Nishinakajima 4-Chome, Yodogawa-ku, Osaka, Japan.
- (3) The nature of the conveyance is an Assignment, which was executed February 3, 2004 and February 16, 2004.
- (4) Registrations for which the Assignment should be recorded:

Registration No.	Mark	Registration Date
878,316	NISSIN	October 7, 1969
1,068,223	OODLES OF NOODLES	June 21, 1977
1,196,356	CUP O'NOODLES	May 25, 1982
1,289,213	MEIN KRABE	August 7, 1984
1,394,232	NISSIN and Design	May 20, 1986
1,616,878	DEMAE RAMEN	October 9, 1990
2,043,272	MUCH MORE THAN A SOUP	March 11, 1997
2,066,703	RAMEN CLASSIC	June 3, 1997
2,112,977	FOR THE VERY BEST IN	November 11, 1997
	RAMEN NOODLE DISHES	
	FOR THE VERY BEST IN	November 18, 1997
	RAMEN NOODLE SOUP	
2,453,073	DEMAE RAMEN	May 22, 2001

2,454,151	SOPA NISSIN	May 22, 2001
2,454,152	SOPA NISSIN & DESIGN	May 22, 2001
2,799,470 (Ser. No. 76/284,371)	NOODLE CRUNCH	Dec. 23, 2003*

*This registration is referred to in the attached Assignment Exhibit A as Serial No. 76/284,371, filed in International Class 30 on July 13, 2001, which has since registered as U.S. Reg. No. 2,799,470.


- (5) Any and all correspondence concerning this document should be addressed and mailed to the following.

Mark D. Alleman
Kolisch Hartwell, P.C.
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204

- (6) The total number of trademark registrations involved in this conveyance is 14.
- (7) Our check in the amount of \$365.00 to cover the recordation fee is enclosed, in accordance with 37 C.F.R. § 3.41.
- (8) Please charge our Deposit Account No. 11-1540 for any additional fees which may be required. A duplicate of this sheet is enclosed.
- (9) To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,

KOLISCH HARTWELL, P.C.


Mark D. Alleman
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Registration No. 42,257
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MDA:gp
Enclosures

TOTAL NUMBER OF PAGES
COMPRISING COVER SHEET: 4

AGREEMENT FOR TRADEMARK ASSIGNMENT

WHEREAS, Nissin Foods (USA) Co., Inc. (hereinafter Assignor), a corporation, organized and existing under the laws of California, located and doing business at 2001 West Rosecrans Avenue, Gardena, California 90249, U.S.A., is the sole and exclusive owner of all rights in the trademarks, and registrations and/or applications therefor, as indicated in the attached Exhibit A;


WHEREAS, Nissin Shokuhin Kabushiki Kaisha, dba Nissin Food Products Co., Ltd. (hereinafter Assignee), organized and existing under the laws of Japan, located and doing business at 1-1 Nishinakajima 4-Chome, Yodogawa-ku, Osaka, Japan, as parent company owning a 90% controlling interest in Assignor, desires to acquire all rights in the trademarks, and registrations and/or applications therefor, as indicated in the attached Exhibit A;

NOW THEREFORE, for the sum of US\$26,000.00, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby assign unto Assignee all right, title and interest in and to the trademarks, and registrations and/or applications therefor, as indicated in the attached Exhibit A, together with the goodwill of the business connected with the use of and symbolized by the trademarks. Assignor agrees to cooperate and sign all documents necessary to carry out the intent of this Agreement, including all documents necessary to record the assignment of each of the applications and registrations listed in Exhibit A with the respective national patent and trademark office in which each is pending or registered.

Assignor:

Signature: Printed Name: Takayuki NarutoTitle: PresidentDate: Feb. 3, 2004

Assignee:

Signature: Printed Name: Koki AndoTitle: PresidentDate: Feb 16, 2004

2004年 4月:9日 15時52分

AOYAMA & PARTNERS

NO. 1649 P. 3

Exhibit A
Assigned Trademark Applications and Registrations

Mark	Design	Country of Registration	Class	Filing Date	Filing Number	Registration Date	Registration Number	Expiration Date
1	DEMAE RAMEN	USA	Int.29	03-13-1989	73/786307	10-09-1990	1,616,878	10-09-2010
2	DEMAE RAMEN	USA	Int.30	04-17-2000	76/027486	05-22-2001	2,453,073	05-22-2011
3	FOR THE VERY BEST IN RAMEN NOODLE DISHES	USA	Int.30	04-22-1996	75/092359	11-11-1997	2,112,977	11-11-2007
4	FOR THE VERY BEST IN RAMEN NOODLE SOUP	USA	Int.30	04-22-1996	75/092360	11-18-1997	2,114,752	11-18-2007
5	MUCH MORE THAN A SOUP	USA	Int.29	02-13-1986	75/057184	03-11-1997	2,043,272	03-11-2007
6	NISSIN	USA	Int.30	01-28-1989	72/260173	10-07-1989	878,316	10-07-2009
7	NISSIN & Design (3)	USA	Int.29,30	10-23-1985	73/564624	05-20-1986	1,394,232	05-20-2006
8	OODLES OF NOODLES	USA	Int.29	07-12-1976	73/093163	06-21-1977	1,068,223	06-21-2007
9	RAMEN CLASSIC	USA	Int.29	03-01-1996	75/071257	06-03-1997	2,066,703	06-03-2007
10	SOPA NISSIN	USA	Int.30	12-06-1989	75/864486	05-22-2001	2,454,151	05-22-2011
11	SOPA NISSIN & Design (2)	USA	Int.30	12-06-1989	75/864487	05-22-2001	2,454,152	05-22-2011
12	TOP RAMEN	USA	Int.30	08-17-1970	72/368285	03-13-1973	955,273	03-13-2003
13	CUP O'NOODLES	USA	Int.29	01-08-1979	73/189307	05-25-1982	1,196,356	05-25-2012
14	NOODLE CRUNCH	USA	Int.30	07-13-2001	76/284371			
15	NOODLE CRUNCH	USA	Int.30	07-11-2002	78/143054			
16	MEIN KRABE	USA	Int.29	02-04-1982	73/348635	08-07-1984	1,289,213	
17	DELICE O'NOUILLES	Canada		03-12-1991	677,660	07-24-1992	400,574	07-24-2007
18	FOR THE VERY BEST IN RAMEN NOODLE SOUP	Canada		07-07-1998	883,575	03-08-2001	542,081	03-08-2016
19	NISSIN	Canada		08-01-1995	789,029	06-21-1996	459,838	06-21-2011
20	NISSIN & Design (3)	Canada		08-11-1995	790,054	08-30-1996	462,967	08-30-2011
21	NISSIN TOP RAMEN & Design (6)	Canada		07-16-1998	884,548	03-21-2000	525,356	03-21-2015
22	OODLES OF NOODLES	Canada		09-21-1976	402,389	10-21-1983	284,349	10-21-2013
23	TOP RAMEN	Canada		06-29-1971	344,007	10-26-1973	195,019	10-26-2018
24	DELICE O'NOUILLES & Design (7)	Canada		11-26-1999	1,037,527	03-19-2002	559,444	03-19-2017
25	TOP RAMEN	Panama	Int.30	10-24-1991		03-13-1993	58622	03-13-2003
26	TOP RAMEN	Mexico	46		253,883		335,043	09-03-2000

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